

RESPONSE

Serial No. 10/825,757
Atty. Docket No. GP146-04.UTRemarks

Claims 116-175 are presently pending in the subject application.

Claims 1-115 have been canceled without prejudice to the prosecution of the subject matter of these claims in this or a continuing application.

Claims 116-175 are new and mainly correspond to previously pending claims 15-20, 32-36, 37, 69, 82-85 and 95-98. The new claims are also supported by the specification *passim*.

Claims 131-144 and 153-174 are withdrawn as being directed to non-elected claimed subject matter.

New claim 175 is a kit claim that combines the elected probe and set of oligonucleotides.

Response to Restriction/Election Requirement

In response to the Examiner's restriction requirement, Applicants hereby elect without traverse the claimed subject matter of Group I (canceled claims 1-13, 15-36, 38-63 and 68-94). At the Examiner's request, Applicants further elect the specific sequences set forth in the claims.

Applicants submit that the presently pending claims are in condition for allowance and early notice to that effect is earnestly solicited.

Please charge any fees due in connection with this Response, including the fee due for a three-month extension of time under 37 C.F.R. § 1.17(a)(3), to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

RESPONSE

Serial No. 10/825,757
Atty. Docket No. GP146-04.UT

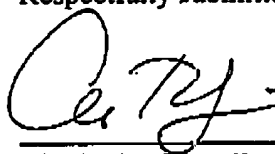
Certificate of Transmission

I hereby certify that this correspondence, and referred to as being attached, is being sent by facsimile to 571-273-8300 on the date indicated below to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Date: October 26, 2006

By:



Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department/Mail Stop #1
10210 Genetic Center Drive
San Diego, CA 92121
PH: 858-410-8927
FAX: 858-410-8928